United Nations A/BUR/73/SR.1

General Assembly
Seventy-third session

Official Records

Distr.: General
24 October 2018

Original: English

General Committee

Summary record of the 1st meeting
Held at Headquarters, New York, on Wednesday, 19 September 2018, at 10 a.m.

Chair: Ms. Espinosa Garces (President of the General Assembly) ..... (Ecuador)

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The meeting was called to order at 10.05 a.m.

Organization of the seventy-third regular session of the General Assembly, adoption of the agenda and allocation of items: memorandum by the Secretary-General (A/BUR/73/1)

II. Organization of the session

1. **The Chair**, drawing attention to paragraph 6 of chapter II of the memorandum, said that she trusted that she would shortly receive from each of the Vice-Presidents of the General Assembly a letter concerning the designation of a liaison person for the duration of the session. She also drew attention to paragraph 31 concerning holidays and observances on which United Nations bodies were invited to avoid holding meetings and informed the Committee of the dates in question.

2. *The Committee took note of all the information contained in chapter II and decided to draw the attention of the General Assembly to that information and to recommend to the Assembly that it take action on all the proposals made in chapter II. It also decided to draw the attention of the Assembly in particular to paragraph 37, recommending that the general debate continue on Saturday, 29 September 2018; to paragraph 74 concerning the timely submission of draft proposals for review of their programme budget implications; to paragraph 81 concerning the views of the Advisory Committee on Administrative and Budgetary Questions on the use of the phrase "within available resources" and the report in which it emphasized the responsibility of the Secretariat to inform the Assembly thoroughly and accurately about whether there were enough resources to implement a new activity.*

III. Adoption of the agenda

3. **The Chair** informed the Committee that, in accordance with paragraph 2(a) of the annex to General Assembly resolution 58/316, the draft agenda was organized under headings corresponding to the priorities of the Organization as contained in every medium-term plan, or in the strategic framework, with an additional heading for "Organizational, administrative and other matters".

4. Since the draft agenda was organized under nine headings, the Committee might wish to consider the inclusion of items under each heading as a whole. However, it might wish to take separate decisions on certain items, where it was deemed appropriate, including in some cases the placement of items under appropriate headings.

5. The draft agenda contained nineteen new items or sub-items, namely sub-item 20 (k) and item 30 under heading A, items 36 and 68 under heading B, items 90, 91, 92 and 93 under heading F, sub-item 101 (c) and sub-items 101 (mm) and (oo) under heading G, and sub-items 130 (y) and (z) and items 135, 176, 177, 178, 179 and 180 under heading I.

Paragraphs 91 to 94

6. *The Committee took note of the information contained in paragraphs 91 to 94 relating to the standard practice of the General Assembly.*

Paragraph 95

7. **The Chair** drew attention to paragraph 95, listing items to be included in the agenda. Items 1 to 8 were not under any heading. The General Assembly had already dealt with items 1 and 2. Items 3 to 8 related to organizational matters.

8. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of items 1 to 8.*

Heading A. Promotion of sustained economic growth and sustainable development in accordance with the relevant resolutions of the General Assembly and recent United Nations conferences

9. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of the items listed under heading A, taking into account the decisions taken regarding item 20 (k) and item 30.*

Heading B. Maintenance of international peace and security

Item 36. Complete withdrawal of foreign military forces from the territory of the Republic of Moldova

10. **The Chair** recalled that the item had been included in the draft agenda pursuant to General Assembly resolution 72/282, tentatively under heading B.

11. **Mr. Kuzmin** (Russian Federation) said that the move to include that item in the agenda was disappointing; it represented a flagrant example of how an international forum was being used to resolve an internal political problem. The Republic of Moldova, along with its Western supporters, had pushed through a resolution on that topic during the previous session, which had presented a picture of the situation to the international community that was far from the reality. Rather than addressing the matter on a bilateral basis between the concerned parties, it had transferred the responsibility for resolving the question to the United

Nations, which abused and undermined the authority of the Organization.

12. *The Committee decided to recommend to the General Assembly the inclusion of item 36 under heading B.*

Item 42. Question of the Comorian island of Mayotte

13. **The Chair** recalled that the General Assembly, at the 116th plenary meeting of its seventy-second session, had decided to include that item in the provisional agenda of the seventy-third session.

14. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of item 42 under heading B, on the understanding that there would be no consideration of the item until further notice.*

Item 64. Question of the Malagasy islands of Glorieuses, Juan de Nova, Europa and Bassas da India

15. **The Chair** recalled that the General Assembly, at the second plenary meeting of its seventy-second session, had decided to include item 64 in the provisional agenda of the seventy-third session.

16. **Mr. Biang** (Gabon) proposed, on the basis of consultations held by the delegations of France and Madagascar, that the Committee should recommend to the General Assembly that consideration of item 64 be deferred to its seventy-fourth session and that the item be included in the provisional agenda of that session, without prejudice to the position of either Madagascar or France.

17. *The Committee decided to recommend to the General Assembly that consideration of item 64 be deferred to the seventy-fourth session and that the item be included in the provisional agenda of that session.*

Item 68. The situation in the temporarily occupied territories of Ukraine

18. **The Chair** recalled that the inclusion of item 68 had been proposed by Ukraine in document A/73/193.

19. **Mr. Kuzmin** (Russian Federation) said that his delegation believed that the mere introduction of the item led to division and poisoned the atmosphere in the General Committee, making consensus impossible, given the radically different positions of his Government and the Government of Ukraine on the matter. Consideration of the item would be destructive, as it ran counter to the implementation of the Minsk Agreement as contained in Security Council resolution 2202 (2015). The language used in the item, "temporarily occupied territories", was not found anywhere in that resolution nor the relevant Presidential Statement (S/PRST/2018/12).

20. His delegation wished to see a peaceful settlement of the dispute with its closest neighbour but took the introduction of the item as a move by Kiev to inflame the conflict in order to attract international assistance and support against the wishes of its own people. Ukraine would take any opportunity to distract the world from its own role in the situation in Donetsk and Luhansk, refusing to take any responsibility and pretending to be a victim of circumstance. Consideration of the item would not help to reduce the suffering of the people in that region.

21. The introduction of the item was part of a dangerous trend of addressing domestic problems in United Nations forums. He called on the delegation of Ukraine to remove the item from the agenda, as it went against the tradition of consensus in the Committee.

22. **Ms. McMillan** (United States of America) said that her delegation supported the inclusion of the item on the agenda, in line with its consistent and clear position on Ukraine. It condemned the Russian involvement in eastern Ukraine and its purported annexation of Crimea. She called on all parties to implement the Minsk Agreement; her delegation did not believe that position to be incompatible with the inclusion of the item.

23. **Mr. Yelchenko** (Ukraine), drawing the attention of the delegation of the Russian Federation to rule 40 of the rules of procedure stating that the General Committee should not discuss the substance of an item, said that all Member States would have an opportunity to express their views on the proposed item in the plenary of the General Assembly.

24. Ukraine was committed to a peaceful resolution of the conflict under the Minsk Agreement, which called for an immediate ceasefire and withdrawal of all heavy weapons from the Donbas. The foreign troops still in that region were a critical element in the escalation of efforts to destabilize Ukraine. He therefore called on all members of the Committee to support the inclusion of the item.

25. **Ms. Bird** (Australia) said that her delegation supported the inclusion of the item. The issues it identified went to the core of the United Nations mandate; it was called on in the Charter to take action in such situations. It would be crucial to consider the item in plenary because of the universal membership of the General Assembly.

26. **Mr. Wu** Haitao (China) said that clearly, serious divisions remained concerning the item. He hoped that,

rather than simply pushing the item through, dialogue would continue so that the tradition of consensus in the Committee would be maintained.

27. **Ms. Dickson** (United Kingdom) said that her delegation supported the request for inclusion of the item. The situation in Ukraine was an issue of international concern and therefore it was right for it to be included on the agenda of the General Assembly. Her Government did not recognize the illegal annexation of Crimea; moreover, the General Assembly had called for the High Commissioner for Human Rights to visit the region. It was unacceptable that thousands of Ukrainian citizens remained outside the scope of international monitoring of their rights.

28. **The Chair** said that the representatives of Denmark, Nicaragua, the Democratic People's Republic of Korea, the Syrian Arab Republic and Georgia had asked to participate in the discussion in accordance with rule 43 of the rules of procedure.

29. *At the invitation of the Chair, Mr. Petersen (Denmark), Ms. Arguello (Nicaragua), Mr. Ri Song Chol (Democratic People's Republic of Korea), Mr. Alarsan (Syrian Arab Republic) and Mr. Imnadze (Georgia) took places at the Committee table.*

30. **Mr. Petersen** (Observer for Denmark) drew attention to the continued importance of General Assembly resolution 68/262. His delegation fully supported the inclusion of the item; further, it expressed its support for the sovereignty of Ukraine and condemned the annexation of Crimea. Attention to that issue was critical to the international community in its efforts to uphold international law.

31. **Ms. Arguello** (Observer for Nicaragua) said that under the Minsk Agreement the Security Council was the only appropriate forum for the discussion of that issue. Neither the Agreement nor the relevant Security Council resolution used the language "temporarily occupied territories", therefore her delegation did not support inclusion.

32. **Mr. Alarsan** (Observer for the Syrian Arab Republic) said that the request for inclusion was clearly political and damaging to the tradition of consensus in the Committee. He noted an unfortunate trend towards requests for inclusion of items that were politically motivated. That request was an attempt to undermine international agreements, including the Minsk Agreement. The Security Council was the appropriate forum for discussion of the matter; the General Assembly had no mandate to consider it under article 12 of the Charter of the United Nations. Inclusion of the item would have negative repercussions.

33. **Mr. Imnadze** (Observer for Georgia) said that Ukraine should not be denied the opportunity to have that very important situation discussed in the General Assembly, as the most representative body of the Organization. Such a discussion would be a first step towards a peaceful resolution of the dispute.

34. **Mr. Ri Song Chol** (Observer for the Democratic People's Republic of Korea) said that his delegation opposed the inclusion of the item because it was politicized, divisive and confrontational and went against the provisions of the Minsk Agreement.

35. *Mr. Petersen (Denmark), Ms. Arguello (Nicaragua), Mr. Ri Song Chol (Democratic People's Republic of Korea) Mr. Alarsan (Syrian Arab Republic) and Mr. Imnadze (Georgia) withdrew.*

36. **Mr. Yelchenko** (Ukraine) said that seeking consensus was not a requirement and should not be allowed to cut off discussion. His delegation requested that a recorded vote be taken on the inclusion of the item in the agenda.

37. *At the request of the representative of Ukraine, a recorded vote was taken.*

In favour:

Australia, Cyprus, France, Guatemala, Guyana, Ireland, Japan, Panama, Qatar, Romania, San Marino, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against:

Russian Federation, Sudan.

Abstaining:

Afghanistan, Algeria, Burkina Faso, Cambodia, China, Gabon, Gambia, Iraq, Namibia.

38. *The Committee decided, by 15 votes to 2, with 9 abstentions, to recommend to the General Assembly the inclusion of the item entitled "The situation in the temporarily occupied territories of Ukraine" in the agenda of the seventy-third session.*

39. *The Committee further decided to recommend to the General Assembly the inclusion in the agenda of all the items listed under heading B, taking into account the decisions taken regarding items 36, 42, 64 and 68.*

Heading C. Development of Africa

40. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of the items listed under heading C.*

Heading D. Promotion of human rights

41. The Committee decided to recommend to the General Assembly the inclusion in the agenda of the items under heading D.

Heading E. Effective coordination of humanitarian assistance efforts

42. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of the items listed under heading E.*

Heading F. Promotion of justice and international law

Item 90. Request for an advisory opinion from the International Court of Justice on the consequences of legal obligations of States under different sources of international law with respect to immunities of Heads of State and Government and other senior officials

43. **The Chair** recalled that the inclusion of item 90 had been proposed by Kenya in document A/73/144, tentatively under heading F.

44. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of item 90 under heading F.*

Item 91. Protection of persons in the event of disasters

45. **The Chair** recalled that item 91 had been included in the provisional agenda pursuant to General Assembly resolution 71/141, tentatively under heading F.

46. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of item 91 under heading F.*

Item 92. Strengthening and promoting the international treaty framework

47. **The Chair** recalled that the inclusion of item 92 had been proposed by Argentina, Austria, Brazil, Italy and Singapore in document A/73/141, tentatively under heading F.

48. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of item 92 under heading F.*

Item 93. Safeguarding ocean space for present and future generations

49. **The Chair** recalled that the inclusion of item 93 had been proposed by Malta in document A/73/143, tentatively under heading F. It was her understanding that Malta had requested that the proposal be deferred to a future session.

50. *The Committee decided to postpone its consideration of the inclusion of the item.*

51. *The Committee further decided to recommend to the General Assembly the inclusion in the agenda of all the items listed under heading F, taking into account the decisions regarding items 90, 91 and 92.*

Heading G. Disarmament

Item 101 (c). Further practical measures for the prevention of an arms race in outer space

52. **The Chair** recalled that item 101 (c) had been included in the provisional agenda pursuant to General Assembly resolution 72/250, tentatively under heading G.

53. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of item 101 (c) under heading G.*

Item 103 (mm). Universal Declaration on the Achievement of a Nuclear-Weapon-Free World

54. **The Chair** recalled that item 103 (mm) had been included in the provisional agenda pursuant to General Assembly resolution 70/57, tentatively under heading G.

55. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of item 103 (mm) under heading G.*

Item 103 (oo). Treaty on the Prohibition of Nuclear Weapons

56. **The Chair** recalled that item 103 (oo) had been included in the provisional agenda pursuant to General Assembly resolution 72/31, tentatively under heading G.

57. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of item 103 (oo) under heading G.*

58. *The Committee further decided to recommend to the General Assembly the inclusion of all the items listed under heading G, taking into account the decisions regarding items 101 (c) and 103 (mm) and (oo).*

Heading H. Drug control, crime prevention and combating international terrorism in all its forms and manifestations

59. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of the items listed under heading H.*

Heading I. Organizational, administrative and other matters

Item 130 (y). Cooperation between the United Nations and the International Criminal Police Organization (INTERPOL)

60. **The Chair** recalled that item 130 (y) had been included in the provisional agenda pursuant to General Assembly resolution 71/19, tentatively under heading I.

61. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of item 130 (y) under heading I.*

Item 130 (z). Cooperation between the United Nations and the International Fund for Saving the Aral Sea

62. **The Chair** recalled that item 130 (z) had been included in the provisional agenda pursuant to General Assembly resolution 72/273, tentatively under heading I.

63. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of item 130 (z) under heading I.*

Item 135. Impact of rapid technological change on the achievement of the Sustainable Development Goals

64. **The Chair** recalled that item 135 had been included in the provisional agenda pursuant to General Assembly resolution 72/242, tentatively under heading I.

65. *The Committee decided to recommend to the General Assembly the inclusion in the agenda of item 135 under heading I.*

Item 170. The responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity

66. **The Chair** said that the inclusion of item 170 had been proposed by Afghanistan, Denmark, Guatemala, Japan, the Netherlands, Romania, Rwanda, Ukraine and Uruguay in document A/73/192, tentatively under heading I.

67. **Mr. Kuzmin** (Russian Federation) recalled that, at the previous session, a group of States had proposed the introduction of an agenda item on the responsibility to protect and had gone on record to assure the General Assembly that the item would be addressed at the seventy-second session only. Yet that group was once again proposing the inclusion of the item in the agenda; that seemed to imply, unfortunately, that delegations did not mean what they said. Perhaps supporters of the concept had not been able to come to an agreement among themselves, or they had intentionally misled other delegations. Over the past year the dialogue on the responsibility to protect had not become more substantive, an evident result of those tactics. Formalizing the process had not resulted in any added value but rather had exacerbated disagreements and eroded the consensus that had been painstakingly achieved in 2005.

68. His delegation once again opposed the inclusion of the item as it was currently worded, especially given the lack of consensus. He urged that the item be removed from consideration or postponed in order to allow for further consultation.

69. **Mr. Wu** Haitao (China) said that the 2005 World Summit outcome document contained clear provisions regarding the responsibility to protect. Its application was limited to the crimes of genocide, ethnic cleansing, war crimes and crimes against humanity. The discussions at the previous General Assembly session had revealed major differences among Member States on how to understand and implement the concept. Further informal dialogue on the issue should continue in order to narrow the differences rather than forcing the issue. China therefore opposed the inclusion of the item.

70. **Mr. Yelchenko** (Ukraine) said that his delegation had on many occasions reaffirmed its commitment to the World Summit outcome document adopted in 2005 and its provisions concerning the responsibility to protect. The important and useful discussions of the issue at the previous session of the General Assembly had reaffirmed its continued importance to the international community, especially in the light of the growing gap between commitments and actions on the part of some Member States. As a party to the core international instruments in that area, Ukraine believed that the inclusion of the item would serve as a platform for discussions among Member States on how to narrow gaps and build bridges between their respective positions. His delegation fully supported the inclusion of the item in the agenda and requested a recorded vote on the matter.

71. **Ms. Dickson** (United Kingdom) said that her delegation remained committed to the responsibility to protect and stressed the need for the General Assembly to continue its consideration of the issue. The healthy and constructive debate at the previous session had helped to identify the issues that remained to be addressed, and it was time to move forward on that important topic. The debate had shown that it was important to consider the matter further within the General Assembly; for that reason, her delegation supported the inclusion of the item. The fact that there was disagreement was not sufficient reason to keep the item off the agenda.

72. **Mr. O'Toole** (Ireland) said that his delegation supported inclusion of the item. It was an important issue that had been the subject of previous debates in the General Assembly and reports of the Secretary-General dating back to 2005. An item did not require universal agreement to be included on the agenda, and that item enjoyed widespread support.

73. **Mr. Biang** (Gabon) said that the item had been included on the agenda of the seventy-second session on the understanding that it was for one session only. The widely differing views expressed led his delegation to believe that the matter was not yet ready for debate; therefore, his delegation requested that the item be withdrawn from consideration.

74. **Ms. Al-Thani** (Qatar) said that her delegation supported the request for inclusion of the item, in line with the recommendations of the Secretary-General, who had signaled that the responsibility to protect was a key component of his prevention agenda. In light of the shared responsibility of Member States, the international community needed to help States in exercising that responsibility and support the United Nations in establishing an early-warning capacity. Given the robust cross-regional support for inclusion of the item in the agenda of the seventy-third session, she urged the General Committee to decide in favour of the proposal.

75. **Mr. Mohamed** (Sudan) said that the world order that arose after the Second World War was built on collective security and prohibition of aggression between States. The systems of peacekeeping and peacebuilding had also given satisfactory attention in addressing internal conflicts and their attendant risk of violations. The relevant Security Council resolutions had often characterized such situations as threats to international peace and security; hence it was not possible to perceive the existence of any vacuum.

76. The post-1990 order, however, was primarily built on the desire to consolidate interests and influence. The concept of responsibility to protect as currently advanced was marred by contradictions of the Charter of the United Nations and its provisions regarding collective security. It was exclusively directed towards developing countries suffering from under-development, environmental degradation and internal conflict. It was also marred most importantly by selectivity, and mistakenly ascribed primary responsibility to States as a justification for that notion. The principle of primary responsibility as set out in Article 24 of the Charter was linked to Chapter VII on collective security. Responsibility to protect was a repudiation of Chapter VII of the Charter. His delegation feared, based on recent history, that the principle would be selectively approached and implemented. Therefore, the agenda item should not be included.

77. **Mr. Bessho** (Japan) said that the item had been discussed widely, though clearly it did not enjoy consensus support. While taking into account the discussions at the previous session, there was much to be gained by further discussion of the matter at the current session, and therefore his delegation supported the inclusion of the item.

78. **Ms. Bird** (Australia) said that her delegation had joined with Ghana to bring forward a request to include an item on the responsibility to protect in the agenda of the seventy-second session in response to a call for a debate on that matter in the General Assembly with the goal of fostering dialogue and helping to build consensus. During the extensive debates on the item, there was an overwhelming recognition of the value of ongoing dialogue in the General Assembly on the responsibility to protect. Clearly, there were differing views on the matter and its implementation, which, in the view of her delegation, was a reason to continue the discussion rather than cut it short. It therefore welcomed the proposal to include the item on the agenda of the seventy-third session.

79. **Mr. Saikal** (Afghanistan) said that his delegation had joined with those requesting the inclusion of the item because his country had been undergoing genocide, war crimes, ethnic cleansing and crimes against humanity for the past forty years; it saw the discussion as a matter of necessity. Any subject could be politicized, abused or applied selectively, but on behalf of the 35 million people of Afghanistan who were targeted by international terrorists and the Taliban for violence and atrocities, he appealed to the international community to see the desperate need to make a collective move towards action. He trusted that the General Assembly would take care to avoid misusing that opportunity to hold the much-needed discussion.

80. **The Chair** said that the representatives of Denmark and Uruguay had asked to participate in the discussion in accordance with rule 43 of the rules of procedure.

81. *At the invitation of the Chair, Mr. Petersen (Denmark) and Mr. Rosselli (Uruguay) took places at the Committee table.*

82. **Mr. Petersen** (Observer for Denmark) said that there was strong support among Member States for the principle of the responsibility to protect and the need to prevent the most serious crimes. The report made specific reference the 2005 World Summit outcome as

the fundamental basis for the debate on that matter. Furthermore, the useful discussion that had taken place at the previous session had provided an overview of the range of actions and initiatives being taken across all regions to prevent the most serious crimes. It was clear that Member States were willing to discuss the matter openly and constructively. There had also been disagreement during the debate, and his delegation had listened carefully to the opposing views. While consensus had not been reached on the matter, that was the case for many items on the agenda of the General Assembly. His delegation believed that it would be preferable to continue that debate openly, transparently and on the record, in the halls of the General Assembly. He therefore urged the inclusion of the item.

83. **Mr. Rosselli** (Observer for Uruguay) said that the concept of the responsibility to protect had been under discussion in the Organization for over ten years and he wondered where else it would be possible to discuss such a matter besides the General Assembly, with its universal membership. Through the expression of differing points of view, there would be an opportunity for all to find points in common in a transparent manner and find ways to put that concept into practice. His delegation therefore supported inclusion of the item.

84. *Mr. Petersen (Denmark) and Mr. Rosselli (Uruguay) withdrew.*

85. **The Chair** said that the representatives of Cuba, the Democratic People's Republic of Korea, Nicaragua and the Syrian Arab Republic had asked to participate in the discussion. Rule 43 of the rules of procedure did not apply. She took it that the Committee wished to accede to that request.

86. *It was so decided.*

87. *At the invitation of the Chair, Ms. Guardia (Cuba), Mr. Ri Song Chol (Democratic People's Republic of Korea), Ms. Arguello (Nicaragua) and Mr. Alarsan (Syrian Arab Republic) took places at the Committee table.*

88. **Ms. Guardia** (Observer for Cuba) said that Cuba reiterated its determination to combat serious crimes against humanity. At the same time, her delegation did not believe that it was the right time to include that item on the agenda because the matter continued to pose problems to many countries, including small and developing countries. The lack of consensus on its scope and implications led to problems with interpretation, acceptance and legitimacy. Including the item on the agenda would create further difficulties.

89. **Mr. Ri Song Chol** (Observer for the Democratic People's Republic of Korea) said that the concept of responsibility to protect as currently understood contained many contradictions to the Charter and international law. In the view of his delegation, it was preferable to continue informal discussions rather than include the item on the agenda. In the past decade the concept of the responsibility to protect civilian populations had been used as a pretext to allow armed intervention in developing countries and to justify interference in the internal affairs of States.

90. **Ms. Arguello** (Observer for Nicaragua) said that there was no consensus on the scope, definition and implications of the concept of the responsibility to protect, and doubts remained about the political purposes for which it could be used. The concept also ran counter to the principles of sovereignty and non-interference in the internal affairs of States as laid down in the Charter. Her delegation, therefore, continued to oppose its inclusion in the agenda.

91. **Mr. Alarsan** (Observer for the Syrian Arab Republic) said that he wished to reiterate the deep concern of his delegation at the insistence of some delegations on the inclusion of the item, despite the fundamental differences in views that remained. For instance, there were no rules to avoid the possible abuse of its so-called third pillar of armed intervention, which could be used to justify aggression and unilateral military action, despite its noble aims. His delegation was willing to continue informal discussions on the matter: however, it wanted to know why the serious concerns raised by many delegations had been ignored in the preparation of the explanatory memorandum by the sponsors of the proposal. Inclusion of the item would lead to deepening disagreement and division, and therefore his delegation opposed it.

92. *Ms. Guardia (Cuba), Mr. Ri Song Chol (Democratic People's Republic of Korea, Ms. Arguello (Nicaragua) and Mr. Alarsan (Syrian Arab Republic) withdrew.*

93. **Mr. Kuzmin** (Russian Federation), speaking on a point of order, said that the rules of procedure provided that proposals made should be considered in the order they were received. He recalled that his delegation had proposed that consideration of the inclusion of the item be deferred to the next meeting of the General Committee. However, since the delegation of Ukraine had set the Committee on a course to destroy consensus by requesting a recorded vote, his delegation would cede to it.

94. *At the request of the delegation of Ukraine, a recorded vote was taken.*

In favour:

Afghanistan, Australia, Cyprus, France, Gambia, Guatemala, Guyana, Ireland, Japan, Panama, Qatar, Romania, San Marino, Spain, Ukraine, United Kingdom, United States of America.

Against:

China, Gabon, Russian Federation, Sudan.

Abstaining:

Algeria, Burkina Faso, Democratic Republic of the Congo, Iraq, Namibia.

95. *The Committee decided, by 17 votes to 4, with 5 abstentions, to recommend to the General Assembly the inclusion of item 170 entitled "The responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity" in the agenda of the seventy-third session.*

Item 176. Observer status for the New Development Bank in the General Assembly

96. **The Chair** said that the inclusion of item 176 had been requested by Brazil, China, India, the Russian Federation and South Africa in document A/73/142, tentatively listed under heading I.

97. *The Committee decided to recommend to the General Assembly the inclusion of item 176 under heading I.*

Item 177. Observer status for the International Council for the Exploration of the Sea in the General Assembly

98. **The Chair** said that the inclusion of item 177 had been proposed by Norway in document A/73/145, tentatively listed under heading I.

99. *The Committee decided to recommend to the General Assembly the inclusion of item 177 under heading I.*

Item 178. Observer status for the European Public Law organization in the General Assembly

100. **The Chair** said that the inclusion of item 178 had been proposed by Portugal in document A/73/191, tentatively listed under heading I.

101. *The Committee decided to recommend to the General Assembly the inclusion of item 178 under heading I.*

Item 179. Observer status for the Asian Infrastructure Investment Bank in the General Assembly

102. **The Chair** said that the inclusion of item 179 had been proposed by China in document A/73/194, tentatively under heading I.

103. *The Committee decided to recommend to the General Assembly the inclusion of item 179 under heading I.*

Item 180. Observer status for the International Think Tank for Landlocked Developing Countries in the General Assembly

104. **The Chair** said that the inclusion of item 180 had been proposed by Mongolia in document A/73/231, tentatively under heading I.

105. *The Committee decided to recommend to the General Assembly the inclusion of item 180 under heading I.*

106. *The Committee further decided to recommend to the General Assembly the inclusion in the agenda of all the items listed under heading I, taking into account the decisions taken regarding items 130 (y) and (z), items 135 and 170 and items 176 to 180.*

IV. Allocation of items

Paragraphs 96 to 98

107. *The Committee took note of the information contained in paragraphs 96 to 98 of the memorandum.*

Paragraphs 99 to 101

108. **The Chair** said that paragraph 99 of the memorandum listed the items of the draft agenda which had not been considered previously by the General Assembly. Paragraphs 100 and 101 contained suggestions regarding the allocation of those items.

Item 30. Space as a driver of sustainable development

Item 68. The situation in the temporarily occupied territories of Ukraine

Item 90. Request for an advisory opinion from the International Court of Justice on the consequences of legal obligations of States under different sources of international law with respect to immunities of Heads of State and Government and other senior officials

109. *The Committee decided, owing to the nature of the items, to recommend to the General Assembly that item 30, item 68 and item 90 should be considered directly in plenary meeting.*

Item 91. Protection of persons in the event of disasters

Item 92. Strengthening and promoting the international treaty framework

110. *The Committee decided, owing to the nature of the items, to recommend to the General Assembly that items 91 and 92 should be allocated to the Sixth Committee.*

Item 101 (c). Further practical measures for the prevention of an arms race in outer space

Item 103 (mm). Universal Declaration on the Achievement of a Nuclear-Weapon-Free World

Item 103 (oo). Treaty on the Prohibition of Nuclear Weapons

111. *The Committee decided, owing to the nature of the items, to recommend to the General Assembly that item 101 (c) and item 103 (mm) and (oo) should be allocated to the First Committee.*

Item 130 (y). Cooperation between the United Nations and the International Criminal Police Organization (INTERPOL)

Item 130 (z). Cooperation between the United Nations and the International Fund for Saving the Aral Sea

Item 135. Impact of rapid technological change on the achievement of the Sustainable Development Goals

Item 170. The responsibility to protect and the prevention of genocide, war crimes, ethnic cleansing and crimes against humanity

112. *The Committee decided, owing to the nature of the items, to recommend to the General Assembly that item 130 (y) and (z), item 135 and item 170 should be considered directly in plenary meeting.*

Paragraphs 102 to 110

Item 176. Observer status for the New Development Bank in the General Assembly

Item 177. Observer status for the International Council for the Exploration of the Sea in the General Assembly

Item 178. Observer status for the European Public Law Organization in the General Assembly

Item 179. Observer status for the Asian Infrastructure Investment Bank in the General Assembly

Item 180. Observer status for the International Think Tank for Landlocked Developing Countries in the General Assembly

113. **The Chair** recalled that, in accordance with paragraph 2 of resolution 54/195, any request by an organization for the granting of observer status in the General Assembly would be considered in plenary meeting after consideration of the issue by the Sixth Committee.

114. *The Committee decided that items 176 to 180 should be allocated to the Sixth Committee.*

Paragraph 111

Item 9. Report of the Economic and Social Council

115. *The Committee took note of the information contained in paragraph 111 and decided to recommend that the General Assembly, when considering item 9 in its entirety in plenary meeting, should take note of the clarification that, in implementing resolution 58/316, the relevant parts of chapter I of the report of the Economic and Social Council would be considered by the Main Committees concerned, under agenda items already allocated to them, for final action by the Assembly.*

Paragraphs 112 to 120

Item 14. Integrated and coordinated implementation of and flow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Item 121. Follow-up to the outcome of the Millennium Summit

Item 18 (d). Promotion of international cooperation to combat illicit financial flows and strengthen good practices on assets return to foster sustainable development

Item 20 (d). Promotion of global climate for present and future generations of humankind

Item 22 (b). International migration and development

Item 70. Report of the Human Rights Council

Item 73. Elimination of racism, racial discrimination, xenophobia and related intolerance

Item 75 (b). Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

116. *The Committee took note of the information contained in paragraphs 112 to 120.*

Paragraphs 121 and 122

Item 103. General and complete disarmament

117. *The Committee took note of the information contained in paragraphs 121 and 122 and decided to recommend to the General Assembly that the relevant paragraphs of the report of the International Atomic Energy Agency dealing with the subject matter of item 103 should be drawn to the attention of the First Committee in connection with its consideration of item 103.*

Paragraph 123

Item 125. Revitalization of the work of the General Assembly

118. *The Committee took note of the information provided in paragraph 123 and decided to recommend to the General Assembly that item 125 should be allocated to all the Main Committees for the purpose of discussing their working methods, as well as considering and taking action on their respective tentative programmes of work.*

Paragraphs 124 and 125

Item 139. Programme planning

119. *The Committee took note of the information provided in paragraphs 124 and 125 and decided to recommend to the General Assembly that item 139 should be allocated to all the Main Committees and to the plenary Assembly in order to enhance discussion of evaluation, planning, budgeting and monitoring reports.*

Paragraph 126

Item 149. Administration of justice at the United Nations

120. *The Committee decided to recommend to the General Assembly that item 149 should be allocated to the Fifth Committee for consideration of the administrative and budgetary aspects and to the Sixth Committee for the purpose of considering the legal aspects of the comprehensive report to be submitted by the Secretary-General.*

Paragraph 127

Plenary Assembly

121. *The Committee, taking note of paragraph 127, decided to recommend the proposed allocation of items to the plenary Assembly, taking into account the decisions the Committee had taken regarding items 9, 18 (d), 20 (d), 22 (b), 30, 36, 68, 75 (b), 90, 103, 125, item 130 (y) and (z), 135, 139 and 170.*

First Committee

122. *The Committee decided to recommend the proposed allocation of items to the First Committee, taking into account the decisions taken regarding items 91, 101 (c), 103 (mm) and (oo), 125 and 139.*

Special Political and Decolonization Committee (Fourth Committee)

123. *The Committee decided to recommend the proposed allocation of items to the Special Political and Decolonization Committee (Fourth Committee), taking into account the decisions taken regarding items 125 and 139.*

Second Committee

124. *The Committee decided to recommend the proposed allocation of items to the Second Committee, taking into account the decisions taken regarding items 125 and 139.*

Third Committee

125. *The Committee decided to recommend the proposed allocation of items to the Third Committee, taking into account the decisions taken regarding items 125 and 139.*

Fifth Committee

126. *The Committee decided to recommend the proposed allocation of items to the Fifth Committee, taking into account the decisions taken regarding items 125, 139 and 149.*

Sixth Committee

127. *The Committee decided to recommend the proposed allocation of items to the Sixth Committee, taking into account the decisions taken regarding items 91, 92, 125, 139, 148, 176, 177, 178, 179 and 180.*

128. **Ms. Bird** (Australia) drew the attention of Committee chairs to the deadline of 1 December 2017 for the submission of draft resolutions with programme budget implications to allow for their consideration in the Fifth Committee.

The meeting rose at 12.20 p.m.